69, 65 Am. Dec. 99; *State* v. *Jackson, supra.* Formerly, a woman did not expatriate herself by marrying an alien without a change of domicile. *Comitis* v. *Parkerson,* 56 Fed. 556, 22 L. R. A. 148. But, if after her marriage she changed her domicile, she became an alien. *Shanks* v. *Dupont,* 3 Pet. 242. Now it is provided by statute that an American woman marrying an alien takes the nationality of her husband. 4 U. S. Comp. St. 1916, § 3960, 34 Stat. L. 1228. This act is held to be constitutional; and an American woman marrying an alien was held to be expatriated. *Mackenzie* v. *Hare,* 239 U. S. 299.

CONFLICT OF LAWS—DOMICIL—CHANGE OF MUNICIPAL DOMICIL.—The defendant sold his house and went to reside temporarily with a friend in the same county. He afterwards went to another county and rented a house, with the idea of moving there, and took immediate possession of one room in which to store furniture until he could obtain possession of the entire house, which was then occupied. Before he could get possession of the house his wife died at their friend's home. He subsequently moved to the rented house, and took out letters of administration in that county. Later the wife's son applied for letters of administration in the county where his mother died, claiming that her domicile had not been changed. *Held,* the application should be denied, as the wife's domicile had changed. *Carrier* v. *Getchell* (Neb.), 160 N. W. 969. See NOTES, p. 582.

CRIMINAL LAW—VERDICT—PRESENCE OF ACCUSED.—In a prosecution for unlawfully selling liquors, the jury having not yet agreed, the court adjourned and dismissed all of the parties until the next morning. The defendant, who had been present all during the trial, left the court immediately, together with his counsel. Later, before the judge had left the court house, he was informed that the jury were ready to make their return; and, without notice to the accused or his counsel, the court received the verdict finding the defendant guilty as charged. *Held,* that the lower court erred in receiving the verdict in the defendant's absence, as it denied him the constitutional right to be present at every stage of the trial. *Woods* v. *City of Tupelo* (Miss.), 72 South. 879.

At common law, the verdict must be rendered in open court and in the presence of the defendant, in all cases of felony and treason as well as in cases where the jury were commanded to "look upon him," as in larceny and all accusations subjecting him to any species of mutilation or the loss of a limb. 1 CHITTY, CRIM. LAW 636. Now, the uniform rule seems to be that only in capital felonies is it absolutely essential that the defendant be present at the rendition of the verdict, as at every other stage of the trial. *Sherrod* v. *State,* 93 Miss. 774, 47 South. 554, 20 L. R. A. (N. S.) 509. See *Jackson* v. *Commonwealth,* 19 Gratt. (Va.) 656; *State* v. *Dry,* 152 N. C. 813, 67 S. E. 1000. Nor can he waive this right. *Sherrod* v. *State, supra.* And the record must affirmatively show that he was present. *Stubbs* v. *State,* 49 Miss. 716; *Dunn* v. *Commonwealth,* 6 Pa. St. 384. See *Shelton* v. *Commonwealth,* 89 Va. 450, 16 S. E. 355.

In felony cases less than capital, the defendant has the same right to be present as in capital ones. *State* v. *Bray*, 67 N. C. 283; 1 BISHOP, NEW CRIM. PRO., § 272. But, by the great weight of authority, the defendant may waive his right to be present at the rendition of the verdict. *State* v. *Way*, 76 Kan. 928, 93 Pac. 159, 14 L. R. A. (N. S.) 603; *Fight* v. *State*, 7 Ohio 180, 28 Am. Dec. 626; *State* v. *Gorman*, 113 Minn. 401, 129 N. W. 589; *State* v. *Kelly*, 97 N. C. 404, 2 S. E. 185, 2 Am. St. Rep. 299; *Robson* v. *State*, 83 Ga. 166, 9 S. E. 610. However, he must waive it, and the right can not be arbitrarily taken from him. *Finch* v. *State*, 53 Miss. 363; *Rose* v. *State*, 20 Ohio 31.

At common law, in all cases where the jury were not commanded to "look upon" the defendant, as in inferior misdemeanors, the presence of the accused was not necessary at the reception of the verdict. *King* v. *Ledgingham*, 1 Vent. 97; 1 CHITTY, CRIMINAL LAW 636; *State* v. *Shepard*, 10 Iowa 126. See *Sawyer* v. *Joiner*, 16 Vt. 498. By the weight of American authority the general rule seems to be that the defendant has the same right to be present at the rendition of the verdict in misdemeanor cases as in felony cases not capital. At least, he must waive the right, expressly or impliedly, for the verdict to be validly rendered in his absence. *State* v. *Bland*, 91 Kan. 160, 136 Pac. 947; *Jackson* v. *State*, 49 N. J. L. 252, 9 Atl. 740. See *Wilkerson* v. *State*, 14 Ga. App. 475, 81 S. E. 395; *United States* v. *Loughery*, Fed. Cas. 15,631; *State* v. *Wamire*, 16 Ind. 357. But the court cannot arbitrarily deprive him of this right. *Lyon* v. *State*, 7 Ga. App. 50, 66 S. E. 149. See *Corbin* v. *State*, 99 Miss. 486, 55 South. 43. Nor can his counsel waive the right for him. *Lyon* v. *State*, *supra*.

FEDERAL COURTS—REMOVAL OF CAUSES—ALLEGATIONS OF DEVICES TO PREVENT JURISDICTION.—The plaintiff was injured while in the employ of the defendant. In a suit for personal injury, alleged to be due to the defendant's negligence in not providing a reasonably safe place for him to work in, the plaintiff joined, as co-defendant with the non-resident corporation, the foreman of the gang of men in which he was employed, such foreman being a resident. The non-resident corporation petitioned for removal of the case to the federal court, alleging generally that it was a non-resident and that the foreman was fraudulently joined as a defendant to prevent removal. *Held*, the petition is denied, on the ground that it is not sufficient to charge generally or by indefinite averments that the joinder was intended to be in fraud of the jurisdiction. *Hollifield* v. *Southern Bell Telephone & Telegraph Co.* (N. C.), 90 S. E. 996. See NOTES, p. 579.

HUSBAND AND WIFE—DUTY TO SUPPORT—EFFECT OF CONTRACT.—The plaintiff agreed to work on the deceased's farm for a yearly wage. After working on the farm for several years, he married the deceased; but made no post nuptial agreement with her as to his wages. He continued to work on the farm after his marriage and no wages were paid him. After his wife's death, he sued the estate for the wages alleged to be due him on the basis of the ante nuptial agreement. *Held*, the